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THE CONFERENCE OF CHIEF JUSTICES
EDITORIAL

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INTEGRATION DATA AND CITATIONS

AMERICAN JUDICATURE SOCIETY
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To Promote the Efficient Administration of Justice

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JOURNAL OF THE AMERICAN JUDICATURE SOCIETY

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The Conference of Chief Justices

THE OUTSTANDING ACCOMPLISHMENT of the American Bar Association, in 1949 if not in this decade, may turn out to be the founding of the Conference of Chief Justices, the initial meeting of which is scheduled to take place immediately prior to the opening of the St. Louis convention in September.

There have been informal gatherings of state chief justices from time to time at American Bar Association and American Law Institute conventions, but this year will see for the first time a formal assemblage of the titular heads of the judicial systems of all or nearly all of the forty-eight states in a meeting which appears to have as great possibilities as the annual conferences of state governors and attorneys-general, which have been carried on with great success for many years.

The Conference of Chief Justices is a project of the Section of Judicial Administration of the American Bar Association, conceived in the fertile mind of its chairman, Judge Richard Hartshorne, who also has secured a foundation grant for the expenses of the first meeting. At the suggestion of the Section's council the House of Delegates last February passed a resolution directing the Section to proceed with the establishment of the Conference. The American Judicature Society also has helped in the sponsorship and establishment of the Conference, but although it doubtless will always maintain close contact with these groups, the Conference is, as properly befits an organization of such distinguished personages completely independent and autonomous.

Present plans for the September meeting, under the direction of Judge Laurance M.. Hyde of the Supreme Court of Missouri (who will be chief justice at the time of the meeting in September) and a nation-wide organizing committee of chief justices, include discussion sessions at which problems of court administration and other matters of special interest to state chief justices will be talked over, joint sessions with the Section of Judicial Administration, and a dinner meeting of the Section at which the chief justices will be specially honored.

Those of us who have read the current best-seller, *Cheaper by the Dozen*, by Frank B. Gilbreth, Jr., and Ernestine Gilbreth Carey, will recall the incident which started the elder Mr. Gilbreth on his life career. He had taken a job as a bricklayer, and in the course of learning the craft he observed that nearly every bricklayer used a different method, and that the widely-varying methods were of correspondingly varying efficiency. Mr. Gilbreth went to the foreman and sug-

The idea that lawyers should unite to promote a more efficient administration of justice was first proposed by Herbert Lincoln Harley, who devoted the best years of his life to this form of service.

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gested that tests be made to determine which procedure was the most efficient and that all men be required to lay brick in that manner. He was told to go back to work and mind his business, but his ideas eventually triumphed, and he made a successful career of what came to be known as "motion study."

There surely are as many ways of deciding cases, writing opinions and administering the affairs of a court as there are of laying brick. Just as surely, some of them are better and more efficient than others. The introduction of a form of voluntary and co-operative motion study into the methods and procedures by which the state supreme courts do their work and supervise the administration of justice in their states is but one of the many promising developments to be anticipated from the establishment of the Conference of Chief Justices. Foundation support has been secured only for the initial meeting, and it is anticipated that arrangements will be made in the various states for payment of the expenses of the chief justices to future annual meetings of the organization. Surely nowhere else are the taxpayers of a state likely to be so well rewarded for such a trifling expenditure.

ROSCOE POUND will address the 1949 annual meeting of the American Judicature Society in St. Louis, Missouri, Wednesday, September 7. Further announcement will appear in the August JOURNAL.

PUBLIC RELATIONS continues to receive an increasing amount of attention from the organized bar. To be of practical assistance to bar associations interested in this subject, the American Judicature Society has established a lending library of textbooks on public relations. Titles presently available include: Rex F. Harlow, *Public Relations in War and Peace* (1942); Harwood L. Childs, *An Introduction to Public Opinion* (1940); Hadley Cantril, *Gauging Public Opinion* (1944); Milton Wright, *How to Get Publicity* (1935); Glenn and Denny Griswold, *Your Public Relations* (1948); and Verne Burnett, *You and Your Public* (1947). Any of these will be lent for a period of one month to any bar association officer or committee chairman without charge. Please give second and third choice, as we have only one copy of each in stock.

WIRE RECORDINGS available for bar association programs include an address recently delivered by Dean Albert J. Harno of the University of Illinois College of Law before the state bar associations of Ohio and Illinois entitled "The Balance Sheet of the Profession," and one by Glenn R. Winters of the American Judicature Society delivered before the Columbus Bar Association entitled "The Legal Profession and the Public." They are thirty minutes in length and may be played back on a Webster-Chicago or any machine using standard recording wire. Others will be added from time to time. These may be borrowed by any bar association without charge.

We feel our way like blind men who fear to fall. In every other field of human endeavor more efficient methods are being sought with restless eagerness and with no concern for the old equipment which must be scrapped. The legal profession alone halts and hesitates. If it is to retain the esteem and confidence of a progressive age it must itself become progressive.—*Edson R. Sunderland.*

When every iniquity of the lawyers of the past has been admitted, we still find that there were abundant gentlemen of the long robe, haunted, even if they were not inspired and pervaded, by the spirit of righteousness. The illumination they shed may not always have been a beacon, but at any rate the wick never ceased altogether to glow, and down the centuries we see a succession of these unloved men boring away in their tedious frowsy courts, really struggling in that dim medieval light to impart some semblance of justice, some thought for the commonweal, into the limitless greed of robber barons, the unqualified imperatives of feudal chiefs and the grasping cunning of the baser sort. And they are still working today towards the satisfaction of this permanent social need.
—*H. G. Wells*

Recommendations for Fewer and Shorter Judicial Opinions

Reduction in the number and size of printed opinions has been the aim of committees of the Ohio State Bar Association and the Third Federal Circuit which have been investigating the subject during the past year. The reports of the committees contain a number of recommended rules for the selection of opinions to be printed and also suggestions designed to reduce the length of the printed opinions. The Ohio committee arrived at substantially the same conclusions as did the Third Circuit committee.

The committees recommended that opinions should not be published by appellate courts in the following cases:

1. Where an affirmance rests upon the conclusion that the evidence was sufficient in the court below to sustain the findings in fact, unless the case involves an unusual factual situation or a new or important question of law is involved in the issue of sufficiency.

2. Where the decision is based on a well-established legal principle.

3. Where the decision is based upon a question of practice and procedure, except where the question is one of such importance that it should be authoritatively settled.

4. Where the affirmance is based on an adequate opinion of the lower court.

Opinions of appellate courts should be published:

1. Where the decision determines a new and important question of law.

2. Where the decision involves the state or federal constitution.

3. Where the decision changes or reverses an established principle of law.

4. Where the decision is of general public interest or importance.

The committees further recommended that opinions should not be published by either the trial court or the appellate court if an appeal has been taken to a higher court unless and until the judgment is affirmed without opinion on the opinion of the court below, in which case the selection of opinions for publication should be based on the rules outlined above.

As to the minimum requirements of an opinion, the committees recommended:

1. A brief statement of the essential facts.

2. A statement of the controlling issue or issues.

3. The conclusions.

4. Citation of the authority relied upon.

5. Whenever an earlier decision is reversed or modified, a statement to that effect.

The following should be avoided:

1. Lengthy quotations from the record.

2. Lengthy quotations from other courts and from text writers, unless the quotation practically amounts to a statement of the opinion of the court.

3. Citation of text material as authority rather than the cases supporting the material, unless the proposition stated is supported by too large a number of authorities to be cited in any detail.

Fred R. Wickham, Delaware, Ohio, was chairman of the Ohio committee, and Charles E. Kenworthey of Pittsburgh headed the Third Circuit committee.

Microphotography and The Record Problems of Our Courts

By HERBERT U. FEIBELMAN

BY THE ACT of August 7, 1939,[1] responsibility for the general administration of the federal courts was transferred from the Attorney General to the Administrative Office of the United States Courts. One of the first steps of the Director of this newly created office was to request that a survey of the administrative activities of the federal district courts be made by the Administrative Management Division of the Bureau of the Budget. This survey centered in a typical district on the eastern seaboard; four other clerk's offices were reviewed on a less intensive basis. The survey was cordially endorsed by the president of the Federal Court Clerks' Association and the clerk of the district which was most extensively studied. The survey report, entitled "Proposed Improvements in the Administration of the Offices of Clerks of United States District Courts," was published by the Government Printing Office in July 1941.

Written eight years ago, the description of the records problem in our district courts appears to apply with equal force today. The report of the Director of the Budget did not state any facts that are not already well known to any practicing member of the bar. In fact, we deliberately choose to state the problem virtually verbatim from the pertinent sections of the official report. The solutions, of course, are the results of personal study.

HERBERT U. FEIBELMAN is a member of the Miami, Florida, bar. A graduate of the University of Alabama, he began his practice in that state and moved to Florida in 1925. He is vice-chairman of the publications committee of the Florida State Bar Association, associate editor of the *Commercial Law Journal*, and a frequent contributor to other legal periodicals. Mr. Feibelman makes grateful acknowledgment to Daniel F. Noll, formerly chief of the Adjutant General's Microfilming Branch and an authority on microphotography of public records, for his inspiration and help in drafting this article. The illustrations, drawn by Wilfred B. Shaw, were obtained through the courtesy of the *Michigan Alumnus Quarterly Review*.

STATEMENT OF THE PROBLEM

The great volume of litigation presents each district judge with an administrative as well as judicial burden of considerable magnitude and complexity. There were in 1941, 84 district courts with 168 judges, excluding the District of Columbia, territories and possessions. The number of judges in each district varied from 1 to 13, eighty of the districts holding court in more than one place.

Among the most important of the district court officers are the district court clerks, appointed by the district judge, or the senior judge, if there be more than one. In their general outline, the clerk's duties are clear. Nevertheless uniformity in procedures does not exist from district to district or even within the courts of a single district. Indeed a number of forces have combined to bring about a quite opposite result.

The size of the court affects procedures to the greatest extent; but other factors, when taken together, exert an almost equal influence. The number of judges, the number of places of holding court, and the district court rules all affect the work of the clerk. The degree of inclination on the part of the judge to rely on the clerk is a further factor working against uniformity.

W. F. Willoughby, writing in *Principles of Judical Administration*, published by the Brookings Institution, had the following to say of court clerks in general:

> . . . Almost every one of these elementary factors for efficiency and economy are lacking in the clerk's offices of the great majority of our courts. The movements for efficiency . . . have almost passed them by. . . . As regards actual business methods, these offices are still in the dark ages where such modern devices as flat-filing, card indexes, . . . improved mechanical equipment, etc., are unknown.

These statements, made in 1929, were not directed particularly at the United States district court clerks, yet many still apply to these

1. 28 U. S. C. Supp. V, ch. 13A.

offices. The most important development since this criticism was written was the creation of the Administrative Office of the United States Courts.

In a very real sense the clerks are officers of the courts directly responsible to their respective district judges. At the same time, however, they are responsible for certain phases of their work to that central agency to which has been entrusted the general administration of the federal Courts, the Administrative Office of the United States Courts.

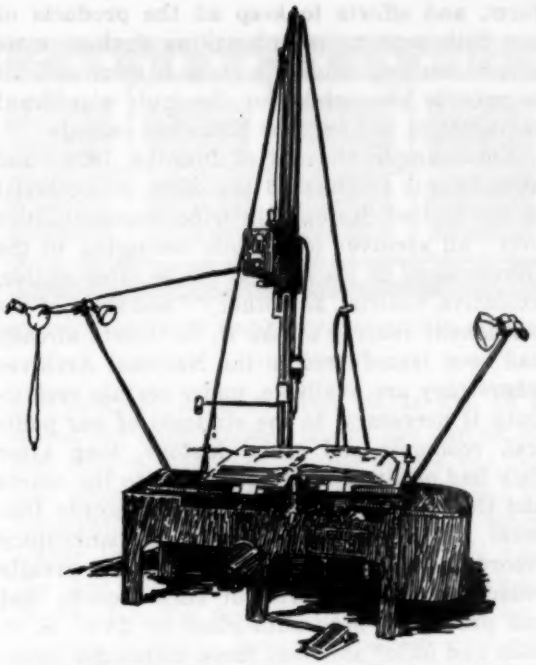
Of the numerous procedural problems of the clerk, that of filing seems to have been met least successfully. Many of the clerk's offices have been laid out in a manner that makes efficient file arrangement almost impossible. They are furnished with a motley array of filing equipment. Certain of the court rules block any move towards improvement of his filing procedure. Some of the rules of the courts not only force archaic practices, such as folded documents and manuscript covers; but the lack of uniformity must prove a source of confusion and annoyance to attorneys who practice in more than one district court.

In the offices visited during the course of the survey many case records were found in dilapidated transfer cases or stacked on open shelving. They are dirty and subject to mold, insects and rodents. In one court, old circuit court cases were filed on top of one another in what would appear to be lockers designed for a bathing beach.

It would not be too much to say that under existing conditions in many clerk's offices, the perpetual preservation of court records is hardly more than a theory. Many of the older court records which have escaped the ravages of time and the destructive elements are incompletely indexed or out of numerical sequence. They are almost as inaccessible as they would be if destroyed.

POSSIBLE SOLUTIONS

Investigation into the possible solutions at once turned in the direction of microphotography. As lawyers our profession had come to rely on writings on paper as the prime source of evidence, but new media to chronicle the events and transactions of our commercial life were assuming an important place. Traitors to our country were being convicted by playing



A MODERN AUTOMATIC MICROFILM CAMERA

back in the presence of the jury the sound recordings of their broadcasts. The inflections of their voices were more damning than any transcript of the evidence on paper could possibly have been. We could also visualize that the Babylonian, accustomed to inscribing the records of his time on clay tablets and then baking them in the desert sun, probably had a low regard for the permanence of the newfangled, fragile papyrus. He probably would have scoffed at any suggestion that writings on paper, the successor to papyrus, would become centuries later one of the cornerstones of evidence. We were quite prepared to concede that it was the information conveyed by the writing rather than the supporting medium and the circumstances surrounding the conversion of the record from one medium to another that repelled the suspicion of fraud which arose when copies of original papers are offered in evidence. We were not, however, quite prepared for certain progress in the field of record-keeping that has largely been overlooked by our court administrators—and even the admirable report of 1941.

In many fields, outside the courts, not every piece of paper that ever fluttered into a public office was considered a public record to be preserved forever, in either paper or microfilm

form, and efforts to keep all the products of our 20th century record-making devices, more often than not, tended to make it more difficult to provide adequately for the truly significant segments of our legal or historical records.

For example, the Act of June 19, 1934,[2] and amendments established the office of Archivist of the United States with wide responsibilities over "all archives or records belonging to the Government of the United States (legislative, executive, judicial, and other)"[3] and some of the permanent records of the U. S. Courts already had been transferred to the National Archives where they are available, under certain restrictions if necessary, to the students of our political, economic and social history, long after they had outlived their usefulness to the courts and the lawyer. Pursuant to the Records Disposal Act of 1943[4] a schedule of bankruptcy records authorized to be destroyed had greatly broadened the categories of such records that had previously been authorized by 28 U. S. C. 523a and 523b[5] and that these disposable bankruptcy records represented approximately 60,000 cubic feet, or the equivalent of 10,000 four-drawer cabinets of records. We also learned that a draft of a similar schedule for the disposal of probation officers' records had been tentatively approved in 1948.

The Executive Agencies of the Federal Government have made much more extensive use of the Records Disposal Act than the Judicial Branch. The Office of Price Administration, for example, succeeded in reducing 1,250,000 cubic feet of files to a well-organized body of valuable records amounting to only 10,000 cubic feet.[6] In a single recent year, approximately 2,000,000 cubic feet of records of the Armed Forces, the Office of Price Administration, and the Selective Service System were destroyed under the Disposal Act.[7] It is generally estimated that more than 80 percent of all records in the executive agencies need be retained for only a short period of time, and that only 5 to 10 percent warrant preservation permanently. Since the establishment of the National Archives in 1934 focused attention on the mass of useless records maintained, by private industry as well as Government offices, a new profession of records administrators has come into being. Most of the large Government agencies have made an experienced management officer responsible for the disposal of records. In 1946, President Truman in Executive Order 9784 directed the head of each executive agency "to maintain an active continuing program for the effective management and disposition of records." Private businesses such as Westinghouse, Metropolitan Life Insurance Co., and many others have realized the necessity for making specialists in this field members of the top management staff. The success of these activities appears to have depended largely on not assigning other responsibilities to such officers that would tend to disperse their energies over other matters. Two consulting engineering firms specializing in records disposal to a high degree have come into being in the past five years. In both cases, the key individuals in these firms gained their basic experience in the Federal Government. The effectiveness of all these efforts at a high management level, of course, depends in a large measure on having individuals in the subdivisions of the private corporations and of the Government agencies who can spend a substantial part of their time on records disposal prob-

A MICROFILM READING MACHINE

2. 48 Stat. 1122.

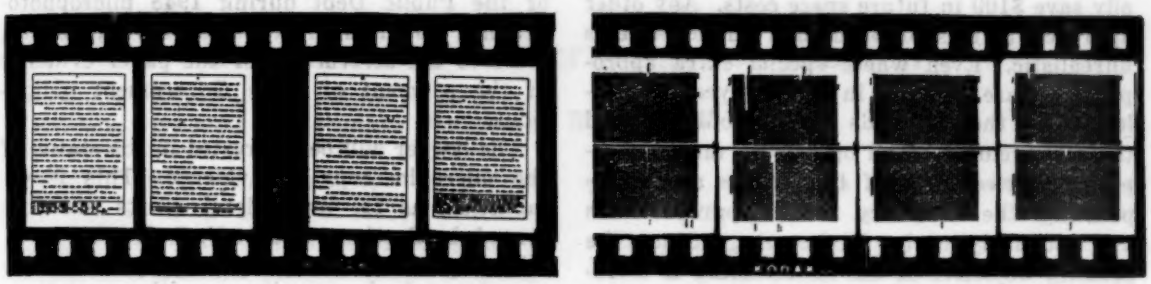
3. Op. cit. Section 3.

4. 57 Stat. 380, 44 U.S.C.A. par. 366 et seq.

5. The Director of the Budget's report of 1941, page 30, stated ". . . the records of the district courts are to be kept in perpetuity." A footnote on this page read as follows: "Apparently the only exceptions to this rule . . . the duplicate accounts of the clerks, miscellaneous non-case papers and records, and proofs of claim in bankruptcy cases, may be destroyed . . . after ten years."

6. Fourteenth Annual Report of the Archivist of the United States, 1947-48, page 7.

7. Fourteenth Annual Report of the Archivist of the United States, 1947-48, pages 11 and 12.



MODERN MICROFILM, ACTUAL SIZE, SHOWING TWO DIFFERENT PAGE ARRANGEMENTS

lems. In some cases, it has been necessary to organize task forces of from two to six trained persons to travel from file room to file room and actually remove the records which have been authorized for disposal. Thus, in one U. S. district court two law students were employed for a summer to remove from the files the bankruptcy records authorized for disposal. Everyone will agree that something ought to be done about our accumulations of useless records, but nothing much has been accomplished in the past where reliance has been placed on clerks doing such work whenever they have "a little spare time."

WHAT MICROPHOTOGRAPHY CAN DO

Microphotography offers a solution to the records problem in two ways. It can be used, as in banks and department stores, to record an event or transaction by photographing a document in transit through an office. The original is not destroyed; the micro-photograph merely replaces another type of copy or eliminates duplicate postings or manual transcription of information. The primary purpose of such microphotography is to save the clerical cost of current operations. An Army project of this type is estimated to have saved at least $3,000,000 in the handling during World War II of 83 million bills of lading at a cost of about $35,000.[8] We are also reliably informed that from experiments in the maintenance of Minute and Order Books by means of Microfilm in one district court, it is estimated that for every $25 formerly spent in typing the courtroom clerks' notes into the minute books and in photostating court orders in civil proceedings, only one dollar is required by the microfilm process. At least three clerks will be released for other duties. Under the earlier system four to five days elapsed before the original court orders reached the case files. The preparation of the minutes took even longer. Under the new procedure, all originals reach the case files on the same day. The work-load in the photostat department is decreased by 75 percent, enabling faster service on photostats for authenticated copies, records on appeal, etc. Space-savings are an important by-product. It is estimated that a single microfilm storage cabinet, occupying about nine square feet, will be sufficient for the next 35 years in this court. To permit the filing of these orders and minutes on rolls of film, it was necessary to change slightly the federal rules of civil and criminal procedure, since those rules had previously specified that a book should be used. These microfilm procedures are similar to several suggestions made in the Budget Director's report of 1941. It can also be modified to meet the needs of courts having widely varying case loads.

Where microphotography is undertaken for the sole purpose of saving space the problem is largely that of releasing as much space as possible with the funds available. It must be recognized that, however deplorable the condition of the records may be, appropriations to microfilm all the old records will never be available. A Government agency lives from one appropriation year to another. Activities that pay for themselves over a period of five or ten years cannot be financed out of a single year's appropriation. By and large, the public agency must finance a microfilming program out of current appropriations, even though it can be shown that an expenditure of $10 or $15 to microfilm a cubic foot of records would eventu-

8. *The Evaluation of Microfilming Projects*, by Daniel F. Noll, Proceedings of the Interagency Records Administration Conference, May 9, 1947, page 10.

ally save $100 in future space costs. Any other approach to this problem in a public office is unrealistic. Even where special extra appropriations are obtained in any one year, the selection of those records for microfilming and the management of all operations must be expertly carried out. If the results are disappointing, the necessary future appropriations are not likely to be forthcoming. Since the primary objective of the microfilming is to release space, not the production of the maximum number of microphotographic images, it would appear that the most desirable records to microfilm would be those now housed in the obsolete document section files. This is based on the fact that folded papers require about three times as much space as the modern flat files. There are many other factors, however, that might justify exceptions to this general rule.

The manner in which the microfilm rolls are identified and indexed is another of the many technical factors[9] which may contribute to the success or failure of a microphotographic program. Failures in the initial phases of such a program might destroy all chances for progress for many years to come. Competent supervision of such a program is most essential. If we now have 84-plus ways of keeping paper records, we certainly do not want to run the risk of having 84 or more varieties of microfilm records. A central microfilming plant for at least some types of court records might have substantial advantages.

Space will not permit a full discussion of all the problems involved in the production of microfilms that will be an adequate substitute for the paper records. That microphotography can replace paper records is evidenced by the extent to which this technique is used in private industry and the Executive Branch of the Government. It is reliably estimated that the banks and department stores of the country have microphotographed 50 billion records. We are informed that in federal agencies files of 20,000 microfilm rolls are not uncommon. One agency has 200,000 rolls of microfilm to substitute for its paper records. The Bureau of the Public Debt during 1948 microphotographed 100 million redeemed savings bonds, prior to the destruction of the paper evidence of the payment of these Government obligations.

The lawyer will be interested in the status of the microfilm copy as evidence. This is established, as far as Federal courts are concerned, by Section 13 of 44 U. S. C. 378:

> Photographs or microphotographs of any records made in compliance with regulations . . . shall have the same force and effect as the originals. . .[10]

On the permanence of microfilm, the following excerpt from page 42 of the Budget Director's report of 1941 should be sufficient:

> Exhaustive aging tests made by the National Bureau of Standards bear evidence to the fact that documentary film appears to have a permanence equal to that of record papers of highest quality (no court records are now made on paper of this quality . . .)[11]

CONCLUSIONS

The record problem of the courts cannot be solved over night by any one panacea. Progress towards its solution is likely to be slow due to the understandable conservatism of the legal profession to destroy or alter the form of our existing records. In 1939, a forward step was taken in the establishment of the Administrative Office of the U. S. Courts. Its Director has unraveled the threads of many administrative details.

The key to the record problem would appear to be the procurement of a competent specialist in records administration. Prior knowledge of legal records is not as important as knowing where to find specialists in the preparation of disposal schedules, microphotography and other related techniques. He should have demonstrated ability to organize an active program and produce results without unnecessary friction. His work must be supported by the assignment of workers to this activity in the district courts. In some cases reliance may have to be placed on task forces or law students employed during the summer months to accomplish specific assignments.

9. For a discussion of these technical factors, see War Department Technical Manual 12-257, *Records Administration: Microfilming of Records*, Government Printing Office, 1946. Price 25 cents.

10. For a partial list of state statutes, see "Photographic Copies of Business and Public Records as Evidence," 34 *Iowa Law Review* 83 at 86 (1948).

11. For a more scientific discussion of this topic, see *Summary Report of Research at the National Bureau of Standards on the Stability and Preservation of Records on Photographic Film.* Misc. Publication M162, Government Printing Office, 1939. Price 10 cents.

Institutional Advertising for the Bar

By GLENN R. WINTERS

MARK TWAIN once was editor of a newspaper in a small Missouri town. A reader wrote that he had found a spider in his paper, and asked whether that was a sign of good or bad luck.

"It is neither good nor bad luck for you," answered Editor Twain. "The spider was simply looking to see which of the local merchants are not advertising, so that he may go to one of those stores, spin a web across its door, and live a life of undisturbed ease."

Bringing anything to the attention of the public in any way is advertising, but for most people, as for Mark Twain, advertising specifically means a device to promote the sale of goods and services, from the department store's gigantic sixty-seventh anniversary sale announcement to the tiniest want-ad offering a slightly-used dress suit cheap.

Institutional advertising differs from that kind of advertising in that it peddles not merchandise but ideas. Electric light and power companies have personified their product in the little fellow with the incandescent nose, Reddy Kilowatt, and his figure is a familiar one in the newspapers and magazines, urging us to purchase electrical appliances and make more use of electricity. That is plain and simple product advertising, the object of which is to increase the sale of electricity. A few weeks ago, however, Reddy appeared in the papers racing across the fields with a kite string in his hands, and his message had nothing to do with the sale of electricity, but instead consisted of safety rules for kite flying. More soberly, the Detroit Edison Company, in an advertisement headed "No Competition? . . . There's Plenty of It!" made a dent in the popular conception of a public utility as a "monopoly" by pointing out various kinds of competition against which they must and do contend—the government-ownership advocates, the non-electric home appliances, and the customers' own ideal standard of what the company's prices, dependability and service should be. This is a typical example of good institutional advertising.

Institutional advertising in one form or another probably is as old as advertising itself, but it has acquired its distinguishing name only during the last generation, and its greatest development has been since the last war. One of the first large institutional advertisers was the Metropolitan Life Insurance Company, with its series on public health. During the war, many manufacturers found themselves without a product to advertise, and rather than let the public forget them, they advertised as much as they could about what they were doing to help win the war. This was extended to promotion of war bond sales and other idea campaigns as distinguished from product campaigns, and since the war institutional advertising on a large scale has remained with us, apparently to stay.

"A lawyer's time and advice," it is said, "are his stock in trade," but lawyers do not advertise their product. A few years ago a young man came back from the South Pacific war theater and set up in law practice in Terre Haute, Indiana, and he astonished the legal profession of his city and the entire nation by his large newspaper advertisement headed "Back Home in Indiana" and promising unexcelled legal service to anybody coming to him for it. The undesirability of this sort of advertising by members of the legal profession is almost self-evident, and it was epitomized a few months ago by a lawyer who suggested that if bar association advertising were commenced it would be the first step toward the radio singing commercial: Super law, super law, see Joe Blow for super law!"

The American Bar Association has frowned

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on such advertising not only by individual lawyers but by bar associations on behalf of their members as well; but as far back as 1938, Opinion 179 of the Committee on Ethics and Grievances gave approval to bar association advertising—

"—to acquaint the lay public with the expert service the legal profession is able to render, especially in respect to those matters where the securing of competent legal advice and assistance in advance of acting will be calculated to protect the client's rights and interests, insure compliance with essential legal requirements and avoid future difficulty and litigation; provided it is carried on by an organized bar association and not by individual lawyers, so that any semblance of personal solicitation and any impression that it is actuated by a selfish desire to secure greater professional employment is avoided, and it is made clear to the lay public that the primary object is to give beneficial information to the layman and to enable lawyers to render a better professional service."

The distinction drawn here is simply the distinction between product advertising and institutional advertising, and the opinion might have been stated in those terms without doing any violence to its spirit.

PART OF PUBLIC RELATIONS PROGRAM

Attempting to sell ideas to the public, of course, comes under the larger heading of public relations, and the only interest a bar association can have in institutional advertising is in conjunction with its public relations program. The launching of an institutional advertising campaign should be preceded by the planning of a fully-rounded public relations program, and such advertising as is done should be integrated into the whole program, which should make use of numerous other media besides that one. In fact, more than one bar public relations program now in operation makes no provision for advertising at all, and in view of the expense involved it may well be asked what reasons there are, if any, for a bar association spending money in that way. There are a few.

In the first place, it will be helpful in winning the good will of the periodicals involved. Favorable publicity in the news and editorial columns of the newspapers is essential to any public relations program. Editors try to be unbiased, but they are human and they cannot help but be more favorably disposed toward an organization that sends them a check once in a while than toward one that never approaches them for anything but free publicity.

Institutional advertising enables you to tell your story exactly as you want it told. Editors take great liberties with the text of releases sent them, and often cut out the one paragraph which above all the writer would have wanted left in, but advertising copy is of course printed strictly to order. Its timing as well as its wording is subject to strict control, and timing is of considerable importance on many occasions.

Advertising costs money, but that is the one

THIS AD SELLS MERCHANDISE—

—THIS ONE, IDEAS

contribution that many lawyers are able to make toward the public relations program. They may not have the time nor the ability to participate in a speakers' bureau, or in many of the activities calling for personal services, but they can and will help defray the cost of this one activity which does depend chiefly upon that one factor.

Finally, institutional advertising, written and published to conform to the highest of ethical standards, will sell the product along with the ideas. This point has been disputed by business executives, some of whom are contemptuous of the value of institutional advertising, but they differ from the legal profession in that they have product advertising going on at the same time to bring their name and business to the attention of the public. Any advertisement or publicity of any kind which brings lawyers and legal service to the favorable attention of the public will indirectly remind people to see a lawyer when they need one, and so long as this effect is indirect and incidental it is not in bad taste, unethical, nor condemned either by the Canons of Ethics or by the opinions of the ethics committee.

SUBJECT-MATTER

Once the decision is made to embark upon an institutional advertising campaign, one of the first questions will be what to say in the advertisements. We have already indicated that we must not use them to boost the sale of our product, meaning our professional services, but that is a point on which it is very easy to overstep. Since good institutional advertising is conceded to have a beneficial effect in that respect, the issue narrows down to the very shadowy one of which function is the primary one and which the secondary. Even worse than that, it narrows down to which *appears* to be the primary and which the secondary, for many a lawyer has dragged his unwilling feet to church Sunday after Sunday not for the primary purpose of worship at all but to make a favorable impression on prospective clients, and has violated no rule of ethics in so doing.

Some of the advertisements published by bar associations in recent years under authority of Opinion 179 have edged close to the borderline. Such expressions as "Your lawyer's advice means safety and savings," "See your

Example of railroad institutional advertising. Samples of similar advertisements on behalf of the petroleum industry, compiled in booklet form, may be secured from Union Oil Corporation of California, Los Angeles.

lawyer about your income tax return and save your tax dollars," and "It pays to see your lawyer first," may with their context have a legitimate institutional application, but they deserve close scrutiny in the light of the words of Opinion 179 that the copy must be written "so that any semblance of personal solicitation and any impression that it is actuated by a selfish desire to secure greater professional employment is avoided and it is made clear to the lay public that the primary object is to give beneficial information to the layman and to enable lawyers to render a better professional service."

A second kind of copy to avoid is the preachy platitude. Product advertising is and has to be intensely practical, and any time it fails to be so, falling sales will betray it at once, but when the only objective is to establish an intangible and unmeasurable attitude of good

will in the general public, it is easy to draw upon Poor Richard's Almanac for copy on the theory that the utterance of such wholesome sentiments cannot help but redound to the benefit of the utterer. The way to avoid this error is to be as practical as possible, and point each advertisement to the promotion of some specific idea. Department stores do not fill their aisles with shoppers by advertising merely that their stores are good places to go for merchandise—they do it by advertising nylon stockings today only at $1.19 a pair, one pair to a customer.

The most popular subject of bar association advertising thus far has been that specifically suggested in Opinion 179—educating the public to the desirability of consulting a lawyer before entering into certain business deals or legal situations in order to avoid subsequent financial loss, embarrassment or litigation. This one certainly is badly needed, and can be repeated over and over again with illustrative incidents from many branches of the law. Many a client has walked into a law office to engage a lawyer to represent him in a real estate deal, and handed the lawyer a sales agreement already signed, innocently unaware of how much of the lawyer's services he had put beyond his reach by writing that signature. Countless other illustrations are available in contract, domestic relations and other fields, and they are excellent copy for institutional advertising. This is as practical an angle as can be found.

Space may well be used to acquaint the public with the bar. Successive advertisements might tell their readers a lot of information about the members of the bar—how many of them there are in the community, the community services they render, how they were trained and examined before admission to the bar, how they compute fees, how they use their legal training for the benefit of the public in other ways such as legislative bill drafting and holding public office. They might explain how charity cases are handled in the community, the relation of the lawyer to the court, to the jury, to the client and to others; they might even tell about the bar association and what it is doing for the public benefit. Many of the canons of ethics would be of interest to the public, along with statements of the ideals

Notice to the World . . .

The importance of recording legal documents is sometimes underestimated. Many people feel that once an instrument has been delivered to them, properly executed, that this completely protects their rights.

In matters affecting real estate it is particularly important that documents be recorded. Once on file, they give notice to the world of the rights of the parties to such instruments.

If a document which has not been recorded is lost or destroyed, considerable expense and difficulty may be encountered in attempting to prove the contents of that document. Your rights may also be impaired by such loss.

Another matter of importance is the fact that others may acquire superior rights by reason of your failure to record your document.

In Mr. G's case, a mortgage on real estate in his favor was not recorded. The owner of the land, who gave the mortgage to Mr. G, sold the land without mentioning the mortgage to the purchaser. Although Mr. G had a right of action against the seller of the land, he had lost the lien of his mortgage on the land itself.

However, not all documents need to be recorded. A brief consultation with your attorney will enable you to protect your rights.

YOUR LAWYER'S ADVICE IS A GOOD INVESTMENT

Hamilton County Bar Association

As a Public Service, the Hamilton County Bar Association is sponsoring a series of informational articles dealing with legal matters of public interest. This is the 3rd of the fourth series.

HAVE YOU MADE A WILL?

SHOULD YOU MAKE A WILL?

A WILL is made for the purpose of disposing of your property, upon your death, to the persons and or institutions you designate.

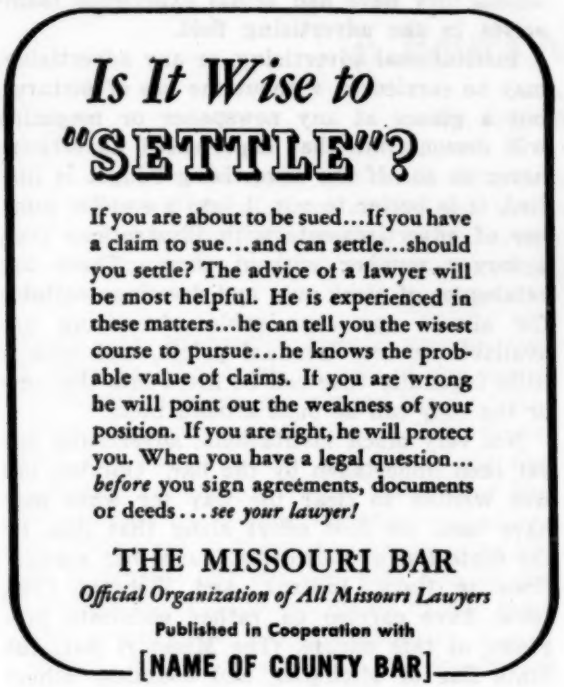
It may not be necessary for you to make a WILL.

See your attorney. Discuss in confidence with him what disposition you want to make of your estate. He will advise you whether or not you should make a WILL. If you should make a WILL, he will skillfully prepare one for you.

It is just good business to exercise care in the disposition of your estate and it is surprisingly inexpensive to consult your attorney or to have him prepare a simple WILL.

GARY BAR ASSOCIATION

Bar association institutional advertising. Those on this page are by local associations; those on page 15 by state associations. Other examples of each are available and might have been selected.



and objectives of the lawyer. These might be lumped together in a speech, but they would go just one at a time in a series of advertisements.

The bar may properly use advertising space to air its views on public questions. During a legislative session the bar might advertise the lawyer's viewpoint on many pending bills. It may solicit public support of bar sponsored measures in that manner. In all these, of course, the views expressed should be unmistakably those of the profession or the association as a whole and not those of individual lawyers.

Institutional advertisements are useful to correct false impressions. Many people have erroneous ideas about lawyers. They think our fees are too high; that lawyers are more dishonest than other people; that anybody ought to have the right to practice law. All these and others may be dealt with tactfully in well-prepared advertising copy.

Prominent drug manufacturers have published many advertisements on behalf of the medical profession, and banks and trust companies have done quite a lot of the same thing for lawyers. Would it be out of order for a bar association to turn the tables and devote some space to pointing out how even good legal advice in the drafting of a will may be thwarted by the inept handling of an estate by a well-meaning but incompetent executor, and advising the appointment of corporate executors in wills? We might find it possible likewise to speak a good word for the realtors, the accountants, and all the rest of the people we have been battling in the fight against unauthorized practice, and while earning their good will and making a favorable impression on the public we could at the same time afford ourselves an incomparable opportunity to educate the public as to what services are to be expected from them and what from us.

Other subject-matter for bar association advertisements may include support of community fund and other local public welfare

fund-raising campaigns, traffic safety, and special messages in connection with holidays. Patriotic subjects are always in order. There is no end to the possible variety, and most of the foregoing suggestions have not yet been tried out to my knowledge.

PREPARATION OF COPY

A few words should be said about the preparation of copy for institutional advertisements. It should be, for best results, a combination of the efforts of the lawyer and the professional copywriter. A merchant announcing a new product can leave the whole job of copywriting to the advertising agency, but that is because the selling of merchandise is fundamentally the same process regardless of what is being sold. The copywriter is not likely to know enough about the legal profession, however, to be able to conceive and plan an institutional advertising program by himself. The ideas will have to originate with the lawyers and by them be put in rough draft.

It is worth while, however, to collaborate with a professional adviser even in this part, and to turn the rough draft over to him for preparation of the final copy, for there are many similarities between the selling of ideas and the selling of goods, and a professional adviser can redraft a lawyer's ideas into language more suitable for advertising copy than most lawyers are likely to be able to write unless they have had actual experience themselves in the advertising field.

Institutional advertising, or any advertising, may be carried on without the use of pictures, but a glance at any newspaper or magazine will demonstrate that experienced advertisers never do so. If the advertising budget is limited, it is better to put it into a smaller number of advertisements with illustrations than a larger number without them. There are catalogues of stock cuts and drawings suitable for almost any conceivable advertising use available at very nominal prices, and with a little ingenuity they can be fitted into the copy or the copy can be built around them.

Not very much institutional advertising has yet been undertaken by the bar. Opinion 179 was written to clear the way for what may have been the first effort along that line, by the State Bar of California. Local bar associations in Gary, Indiana, and Webster City, Iowa, have carried on rather elaborate programs of this nature. The Missouri Bar, the State Bar of Michigan, and doubtless others that have not come to my attention also have been experimenting with it. As the general movement for improvement of the public relations of the legal profession advances, we may expect to see more and more of it, for the wider experience of other organizations, industries and professions indicates that there is a job that can be done in this way better than by any other means at our command.

THE LAW SCHOOLS have been gravely in error in reserving for the top men in class marks that part of law school training which is the best of all: advanced research and writing. In ordinary times these top men in grades will go with the larger firms in the larger cities and will be engrossed in representation of commercial interests. Important as this work is, it is of less social importance than the work and opportunities of the lawyers in general practice and in the small towns, who will do more than the commercial and financial lawyers to shape the thought and growth of the country. It is the general practitioner who is most apt to go into politics and to be elected to public office, whether as county attorney or president of the United States. These elective officers are the ones who do most to guide and shape fundamental policies. Though it is easy in its demands on our time, it is unwise to give the best training to the men who need it least and deny it to the men whose broad and thorough education is of greatest importance to the nation.—*Elliott E. Cheatham.*

A Better Mouse Trap

By JOHN S. BRADWAY

"If we lawyers, instead of defensively holding a Maginot line in a cold war, are willing to go out affirmatively and meet the competition on its home grounds and to match the quality of our product against the best he can offer, we may expect the reasonable client to choose us."

THE LAY MOVEMENT toward unauthorized practice of the law is one of the major unanswered problems confronting the legal profession. In seeking a solution we have drawn a line, told the world that our side of the line constitutes an area in which the lawyer has exclusive privileges, and prosecuted and otherwise endeavored to discourage trespassers. We have buttressed our position with acts of the legislature, court decisions, action by bar association committees. Yet the difficulty is still largely a matter of concern. No one knows when or in what form it may emerge to require further attention. Those who would like to see a permanent and satisfactory solution are inclined to look elsewhere.

The most obvious characteristic of the present program against the unlawful practice of the law is its negative quality. To argue that we should merely hold the line assumes a great amount of patience and persistence on the part of the members of the bar. Perhaps that effort could be used more constructively along other lines. It is one thing to resist and quite another to go out and deal directly with the troublesome cause. In the field of medicine we are accustomed to distinguish between treating a symptom and dealing with the cause of the disease. Perhaps there may be value in exploring the possibilities of an affirmative bar association approach.

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Two arguments in support of a possible affirmative approach may be urged—both in the public relations field of the bar. First, the problem is not merely one in which we are dealing with a competitor—a two party controversy. The client is a necessary third party in interest. Just because a rule of law declares that we, and not our lay rival, have the "right" to serve him does not necessarily mean that he will be satisfied. Once he may have thought the lawyer was the only person to whom he might apply for aid. Now he has a choice. We may assume that in making that choice he will be influenced by his conception of quality of product. If the competitor's commodity pleases him more than does that of the lawyer the rule of law may not be a deterrent factor. Second, the lawyer has acquired rights in the position he occupies not so much by divine fiat as in fairly direct response to an economic need of the client. Just what would happen if the client concludes one of these days that he no longer needs the lawyer's services is anybody's guess. Some idea may be gained: by a perusal of the literature of criticism of the bar; by a survey of the areas of business activity which used to be exclusively the province of the bar and are now in the hands of laymen; by reading in the history of the legal profession how its position in public esteem has varied from high to low depending upon what the layman thought he needed. In the light of the information thus gleaned one may query the effect of the legal sanctions used to enforce compliance with the unauthorized practice laws in the client's mind. Will our specific sanction encourage the public to conclude that the lawyer can do the better piece of work?

Since the final solution to the problem of unauthorized practice of the law seems related more or less closely to the point of view of the client, we are justified in exploring the possi-

bilities of an affirmative program, in using as our point of departure a reasonable client.

We may argue that if we build a "better mouse trap" the reasonable client will brave the "wilderness" of professional reserve and "beat a path to our door." In other words *if we lawyers, instead of defensively holding a maginot line in a cold war, are willing to go out affirmatively and meet the competition on its home grounds and to match the quality of our product against the best he can offer, we may expect the reasonable client to choose us.* One risk we take in such a procedure is that the client may not be in a position to make an evaluation. There may be no suitable lay measuring rod of professional effectiveness. If this proves to be the case we have a problem of educating the public to appreciate first class professional service. The physician has made headway in this direction and we may anticipate no insuperable obstacle although the topic is not in line with the scope of the present paper. Another risk we take is that in such a contest the layman may demonstrate that in various respects he can actually do a better job than we can. It is with this possibility that I propose to deal. The remedy, if such a condition exists, naturally is for us to plan how we may improve the quality of our "product," justice according to law, and how we may raise ourselves by our own bootstraps to a preeminent position.

The problem of financing a remedial program directed to this end is large enough to call for a separate article on the subject. It may be sufficient here to recall that where there's a will there's a way. Whether such a program can be developed without involving the bar in the toils of a plan for socialized law may appear as we proceed with the present discussion.

A BAR ASSOCIATION PROGRAM

If any program for increasing the quality of the legal "product" is to succeed, responsibility for its promotion must rest somewhere. Probably the bar association because of its past interest in repressing unauthorized practice of the law is, at the moment, best prepared to assume that responsibility. At all events the present proposal is based tentatively on that assumption. Cooperation with other groups is essential and in due course all branches of the profession will find a significant place in the program.

The process by which one pulls himself up by his own bootstraps may be included in the term "education." If we are to improve the services of the legal profession, our concern is with legal education and what may be done to modify it to meet a definite challenge or series of challenges. There are two main areas for improvement, quantity and objective. The quantity of legal education today is generally circumscribed by what the individual student is able to absorb: in three (or perhaps four) law school years; in occasional bar association institutes; in personal research in one's own office. The high quality of industry of the bar is attested by the research done in the private law office; but such work on a cost accounting basis is wasteful of time and effort and requires that the lawyer combine in himself a great variety of qualities which in the medical field are divided among the practicing physician on one hand and a large group of laboratory technicians on the other. The bar association institute offers admirable instruction but it is held only occasionally and does not purport to cover the entire field of law. The law school is hampered by being expected to turn out men prepared for a variety of functions, each of which naturally requires a lifetime of preparation. They do a remarkable piece of work in the gravely restricted period of three (or four) years. The theory of the proposed remedy is: (1) to adopt the concept that legal education, if we are to serve our clients properly and meet lay competition, is a lifelong task and one which calls realistically for organized instruction all the way; (2) to divide the life span into convenient segments and assign to each segment a reasonably attainable and mutually coordinated goal.

To implement these general ideas, and by way of illustration as to how the program might conceivably be carried out, let us be more specific.

1. A pre-legal stage should be designed to equip a man to enter law school.
2. An initial law school stage should prepare the student to function effectively as a general practitioner and no more.
3. A second stage of organized instruction should:

keep a practitioner abreast of new law;
provide special instruction for incumbents of special legal positions;
develop a profusion of specialties in substantive law.

The profession would, then, be divided horizontally into two groups: the general practitioner and the experts. The success of the medical profession along these lines raises the hope that some similar plan in the field of law might be developed to a point where the service to clients would be considerably more effective than it is now. This brief outline requires elaboration.

THE PREPARATION STAGE

Many pre-legal students would be glad for additional guidance. They fear they may be wasting their time during four years in college. Law school faculties have not always been too helpful. They frequently assert that they have no preferences among pre-legal courses. The desideratum is described in terms of a broad cultural background. However much this position may be justified from the law school standpoint it fails to meet the presently imagined needs of the student. The student viewpoint may provide us with direction in developing a remedy.

We may do better than at present by telling the pre-legal student we will do three things to prepare him to be a law student:

(a) By a course in comparative professions, their growth and problems, and what they reasonably require of their members, we can help the student to answer two basic questions: (1) Do I want to spend my adult life as a professional man? (2) Do I want to assume the responsibilities and inevitable drudgery which are the lot of the lawyer? If the course is properly given it may serve to attract to law young men who may have something of distinct value to contribute to the profession but who are initially attracted by certain dramatic aspects of the opportunities offered by other fields of endeavor; and to weed out others who are not serious in their intentions.

(b) There is no reason to minimize the need for the traditional broad cultural background. One may however question whether this is best secured by turning the student loose among a large number of electives. It is not necessary to require specific courses by name, but perhaps we may be helpful in giving individual advice without introducing a process of overall regimentation. This period in college need not cover the full four years because space should be made available for the following item.

(c) We may require certain pre-legal courses not in the sense that they teach accounting, or business law or English constitutional history, but because they fit pieces into a picture of what the full-fledged lawyer should have and be if he is to meet lay competition on its merits.

If we conceive of a lawyer as an isolated omniscient personality we shall have to teach him everything and give him experience in how to do anything. The order is a large one and fortunately a more modest alternative is available. The lawyer may be the legal member of a team. Who the other members of that team are will depend upon the needs of the particular client, in a particular case. To solve one problem the lawyer may call in an economist; in another a physician; in others chemists, engineers, psychologists, sociologists. In such a system the lawyer needs to know and have time to concentrate upon the law. If, in addition, he is able to decide accurately when and who to call in to help, if he knows how to work with the other person or persons on a high level of interprofessional cooperation, he will be able to supply his client with a pretty fair brand of solution no matter how complex the difficulty.

There seems no better time in the educational process to lay the groundwork for interprofessional cooperation, for integration of the field of law with the fields of the other social and physical sciences, than during a year or year and a half in the pre-legal period. Courses may be developed which might be referred to as "sightseeing" courses. In them the student would be introduced one after another to a large number of fields of knowledge which infringe in some way or another upon that of the law. He would learn something of the specialized vocabulary in each field; something of the extent of the field and the way it functions, what its sanctions are; something of how to secure its aid in the solutions of lay problems. He would not become in any sense an expert, but merely a trained observer. Then he would pass on to the consideration of the next field.

Of a somewhat different type would be the following aids to the pre-legal student:

(a) Publication, round table conference, symposium or other comparable device operated jointly by the faculties of the undergraduate and law schools to produce literature dealing with the problem.

(b) A practice in undergraduate courses of having the instructor emphasize, for the benefit of the pre-legal students in the class, legal aspects of the topic under discussion. He may show, for example, how the engineering work of surveying is of interest to a lawyer.

(c) A joint committee of law and undergraduate faculty members to offer personal counseling service to students.

(d) A pre-legal student organization to help to develop a student viewpoint and aid in securing contributions toward improving the situation.

A pre-legal student emerging from this type of discipline would not know or expect to know the law; but he would have some ideas of his own: that he wanted to be a lawyer; that he had acquired the broad cultural background; that he was familiar with a lot of areas of human activity which, as a lawyer, he might well expect to have to call upon for help. It is submitted that he would compare favorably with the average of the present crop of entrants.

THE INITIAL LAW SCHOOL STAGE

The specific objective of the initial law school stage would be to turn out a competent general practitioner. To this end there would be only two courses offered—one in law; the other in method. The student would be required to demonstrate passing ability in both before he would be allowed to attempt a bar examination.

The course in law would be limited to the dimension "breadth". It would seek to be comprehensive so that the student would have contact with the various "fields" of law. It would emphasize the law not in terms of academic "fields" but realistically as a seamless web.

At present law school curricula tantalize the student by offering him a choice: Course A or Course B. Sometimes it is Course A or Course B or Course C or Course D. He cannot take them all and yet he needs them all. Sooner or later some client is going to come into his office with a case resting largely or entirely in a field of law in which the student has never had a course in law school. It is the unusual lawyer who, when faced with such a challenge, will tell his client that he is unprepared to handle the case. He will usually spend a great amount of time acquiring a familiarity with the subject. Sometimes he may try to bluff his way through. How justifiable may be time thus spent is problematical if we consider the matter, as sooner or later we must, from the standpoint of cost accounting. In the law office the proposed plan would eliminate complete surprise as a factor in substantive law. The main question in setting up the system would be—how much depth can you afford to give a student in three years where the main purpose is to provide breadth? In other words—how much should a general practitioner of law know?

The answer to this question is not something to be glibly assumed in some more or less superficial formula. It is, however, something which could be worked out by the trial and error method. To that end we might ask the American Law Institute or some similar agency of comparable scope, dignity, and prestige, composed of all branches of the profession to undertake the task of finding an answer.

Such an agency might well start with the present restatement of the law and produce a series of volumes, comprehensive in the sense that Corpus Juris II and American Jurisprudence are inclusive but with a different content; simple in the sense that a Hornbook is simpler than *Wigmore on Evidence* and yet not a duplication of a Hornbook. With a view to using the series as a teaching device the volumes might contain cases, text, problems, or other instructional media.

A person who took a course in such a series would know the law which the profession has decided a general practitioner ought to know. He would also know it in such fashion that he could follow a particular principle of law across the boundary lines of the present academic courses or fields. This ability would help him in dealing with those clients who do not wear in the lapel of their coats a badge on which is written the name of the field of law in which their problem and its solution lie.

A second function of this agency would be to offer periodically a national bar examination to those law students who had finished the

comprehensive course discussed in the preceding paragraphs.

A third function of the agency would be to oversee the operation of the whole plan and make appropriate corrections and improvements.

The course in method required in this initial law school period would be based on the instruction given in legal aid clinics. It would supply the student with skills and experience and would point toward the state bar examination.

A student who, for perhaps three years, had taken these two courses and had passed a national and a state bar examination would emerge qualified as a general practitioner. In that capacity and in comparison with many a present-day young law graduate he should be able to give a good account of himself.

Nothing has been said about cultural courses in law, legal ethics, and other similar matters. Some place might be found for them—perhaps in a summer school session between the second and third years.

A further advantage to be expected from this initial law school period would be in the acquisition of a common denominator of mutual experience among members of the profession. In a period when the trend toward premature specialization must be taken into account in estimating the strength of the legal profession, it is no light matter to feel sure that everybody who calls himself a lawyer can look back to a period of identical experience.

THE SECOND LAW SCHOOL STAGE

Perhaps a second law school stage could be worked out during the month of June each year. Courts might close. Lawyers might lock up their offices and flock back to the school of their choice to become specialists.

If the lay competitors of the lawyer were merely general practitioners, each in his chosen field, our problem would be solved by raising the incoming members of the bar to the rank of general practitioner. However, since they frequently are specialists in their own right, and have their own systems of adult education, we must go further and turn out a group of legal specialists.

The period in which the specialist is developed would be characterized by numerous courses in fields of substantive law and corresponding advanced instruction in method. The work could begin at any time after a man was admitted to the bar and it could and should continue until the end of his professional career. The instructional work would differ from that in the traditional law school because all the students would have behind them the earlier phase and would be operating on a higher level. Having once seen the law as a seamless web, the task of following one aspect of it to the bottom should be accomplished with greater speed and less effort.

While the term "breadth" applies to all fields of law, "depth" is used to emphasize the need for a specialist to know everything in his field. Instead of referring to a single case in a casebook on a point, the specialist-lawyer-student would expect to master every case which had ever been decided on the point, all statutes having a bearing, all administrative rulings, all law and related materials in the field. But the full objective would be accomplished only after he was also thoroughly at home in the method side. He should demonstrate facility in the use of practices, methods, routines, devices actually used by professional and lay individuals and groups functioning in the field. Sources of information would include the law library, but largely as a point of departure. In addition, he should be shown, supervised, and the supervision relaxed when he had demonstrated his ability to perform as an expert. He should seek to acquire as much skill in the field as anyone, lay or professional. Field work might be arranged in banks, in realtor offices, in manufacturing plants, in labor unions, in mines, in laboratories, in specialist classes conducted for laymen. The legal specialist thus would learn the lay side of the problem of method just the way his clients learned it. A course in depth contemplates going beyond the printed page to the bottom of the barrel.

Members of a law faculty competent to teach in this area would not be of the ivory tower variety. They would do well themselves to alternate—perhaps a year of teaching and writing, and then the next year of actually working and studying method in some law office or industrial plant, or business office, or other front-line agency. The resulting freshness of their approach in the classroom would be carried over to and reflected in the improvement of the students.

There is no limit to the number of prospective experts who might desire to take courses in this specialization period. Probably most lawyer-students would be content to become preeminent in at most one or two fields, but there should be no restriction beyond that of physical endurance. Rather there should be encouragement, if such were needed, to continue such study perennially. The increased opportunity to render better service should be inducement enough for more lawyers. Academic degrees would be possible, but not essential, rewards. In addition, the right to place on one's letterhead or building directory or telephone listing a notation for each field in which expertness had been attained should be helpful. If this bit of "advertising" were allowed, the lay public could more easily select a lawyer qualified to handle a problem in a special field.

At the conclusion of each course in this stage of the proposed plan, the lawyer would feel reasonably sure that he was, in fact, more competent to serve the public in the legal aspects of a particular field than are the lay competitors, even those who also may have had special training. When such effectiveness is multiplied by the number of the various members of the bar, the total effect upon the prestige of the profession would be substantial.

THE FINAL STAGE

During the early stages in this proposed educational process—those devoted to breadth and method—students might meet in the conventional class. The topics, breadth and method, lend themselves to group treatment. During the second stage, instruction would be given at most to small groups on a seminar basis, or even better, to individuals. A study of depth and expert method requires that consideration be given to a particular situation for which the lawyer may desire to fit himself. The third stage calls for annual refresher courses in breadth, depth, and method given again to the conventional class. This opportunity should be offered at least once a year from the moment the student became a member of the bar until, after a full lifetime of service, he retires from active practice. One course for the general practitioner would emphasize breadth brought up to date. Another directed toward the specialist would present new developments in the particular field. If, as would often be the case, the lawyer was a general practitioner with one or more specialties he would be expected to take both.

This part of the program should be the easiest to finance. The enthusiasm of the bar for institutes, law services, and similar aids, oral and visual, indicates that the ice has been broken. It is probably less expensive for a lawyer to take a few days off each year and attend classes for organized and supervised study and discussion than to do the research work on his own account, in his own law office.

If some compulsion were necessary to stimulate attendance, a rule of court might easily impose penalties for failure of an officer of the court to keep himself informed of the progress of the law.

CONCLUSION

A problem is presented—continuing pressure by laymen in unauthorized practice of the law. A solution is proposed—an educational program sponsored by a bar association and covering the entire professional life of the lawyer. The educational program may be operated on a state-wide basis or through several law schools simultaneously without affecting its essentials.

It might be difficult to operate year after year if the whole responsibility rested upon an existing law school or many a present-day bar association. A new organization might more easily be created. In starting it, instructors and advisers could be borrowed from law schools and bar associations. When it had proven its effectiveness, the student groups could be shifted gradually to the new organization. Several possible names occur as appropriate to the new enterprise. Professional Training School for Lawyers, Institute for Improving the Promotion of Justice, Bar Association School—are possibilities.

The plan is not perfect, but perfection is not a prerequisite. The objectives sought by the plan should not be too objectionable in their main features, though there may be much discussion over details. Several groups of persons are affected. All but one of them should see advantages herein which outweigh the disadvantages.

Under the proposal, the student, and later the lawyer, receives much more and probably more carefully oriented legal education than at present. We may assume he becomes in

consequence a more effective officer of the court—a more reliable client-server. The benefit to him is clear.

The present-day law faculties would offset the monotony of certain routine and somewhat mechanical aspects of legal education with the adventure of a more exciting type of advanced work. They could devote their surplus attention to teaching more experienced and adult students and in working actively and creatively in those front-line trenches of the law where their real interests, in all probability, lie.

The public would benefit from the presence in its midst of a professional group which would be actually well on the way to the maximum of professional effectiveness. If, in fact, lawyers can be developed into more adequate client-servers than laymen, the fact will be demonstrated. The public presumably will seek the better legal mousetrap and the laws and rulings on the subject of unauthorized practice will become interesting from a historical standpoint. The alternative is a continuance of the present defensive semi-isolationist philosophy of the bar. Its consequences are difficult to predict.

The one group of persons which may not be too well pleased with the proposal is composed of those who desire to compete with the bar in the unlawful practice field.

The problem may not be academic. We may now be engaged in fiddling while Rome burns.

Sound Recording in Court

By FRANCIS H. KEMIS

MODERN SCIENCE seems to have no bounds and particularly in the field of electronics. Its innovations abound on every hand, in the home and in business alike. Its versatility is even being felt in the court room through efforts at sound recording for the purpose of preserving the records.

The improvement in recording machines in the last few years is almost miraculous. The efficiency of present-day electrical recording machines, whether discs, wire, or film, has completely outmoded the old wax cylinder sound vibration system as completely as electrical recording for phonographs outmoded the old sound vibration system of recording.

FRANCIS H. KEMIS is District Court Reporter, Terrace Park, Milford, Iowa, and is chairman of the Sound Recording Committee of the National Shorthand Reporters Association. This contribution to the JOURNAL was prompted by the article "Sound Recording of Courtroom Proceedings Widely Approved," 32 J. Am. Jud. Soc. 122, December, 1948.

The use of such equipment in court rooms for the purpose of recording court proceedings, however, presents many and varied problems. Because of the progress that has been made and the possibility of more improvements to come, the National Shorthand Reporters Association has for several years maintained a Sound Recording Committee, whose duty it is to keep abreast of its developments. If there is a simpler or better way to preserve the record and still maintain the efficiency of the competent shorthand reporter, they will be eager to adopt it.

Manufacturers of such equipment are often a little over-enthusiastic in their advertising claims as to the efficiency of their equipment, and often do they fail to disclose the whole truth. Their equipment has been used in at least one court, which I understand is not a court of record and therefore any record, whether incomplete or inefficient, is better than no record at all. Unfortunately, much publicity has been given to its use by the manufacturer of the equipment, apparently intended to convey the impression that an efficient and competent record is thus possible. They also publi-

cize its use for office work by lawyers, district attorneys, and others in such manner as to indicate that it is used as a replacement for shorthand reporters, when in reality it is used merely as office dictating equipment under the most favorable circumstances.

Among the official court reporters there are a number who have used sound recording equipment in the court room for several years. The most ardent admirers of sound recording among these reporters do not claim that it is possible to make an efficient record by sound recording alone. Each takes his shorthand record in conjunction with the recording. Not one has abandoned his shorthand and been satisfied to sit back and rely entirely upon the sound recording.

Thus sound recording in court rooms is no novel experience as far as shorthand reporters are concerned. Our members have tried and tested the method, and know its values as well as its weaknesses. They would be quick to abandon the tedious method of shattering their weary nerves coping with fast, interrupted, court room banter in favor of a recording machine if it were at all safe to do so.

Those who use recording consider it worth while because, as they say, they do occasionally get some help in technical testimony, fast overlapping banter, and such. They use it only in their conscientious effort to produce the most nearly perfect record possible, regardless of method. They have actually prepared transcripts from both their shorthand notes and from recordings, and comparison has proven the shorthand record far more accurate. Portions of recordings often cannot be transcribed at all.

Failures of the recording system include the lack of identification of voices. This may not seem to be important for committee hearings, meetings, and such, where immediate transcripts may be prepared and voices identified. But court records often lie for many years before transcripts are prepared, and it would be impossible to identify the various voices. Also, there are many voices of similar timbre that are difficult to distinguish on recordings at any time, as we have all observed on radio programs.

Difficulty arises when one voice completely drowns out another, as is often the case with a booming objection completely drowning out the soft voice of a witness who may be near enough to be heard by the jury. A reporter usually has a vantage point that will enable him to get anything the jury can hear—as well as the loud objection.

To record court room proceedings successfully microphones must necessarily be placed so that all parties would speak directly into them. Or speakers, like radio announcers, must necessarily train themselves to speak directly into microphones—a task which would likely be most distasteful to lawyers, and an impossibility as far as witnesses are concerned.

Perhaps in the years to come court rooms will be constructed with recording acoustics an objective, as are radio studios. In the meantime, however, recording equipment picks up all extraneous noises, street sound, whistles, auto horns, and such, as well as court room noises, a slamming door, a coughing juror, or a witness who coughs or sneezes directly into a microphone while someone else is talking—all of which completely wipe out any words being uttered, as far as the recording disc or film is concerned.

As a matter of economy, it is quite apparent that sound recording is much more expensive to use than the present shorthand system. If it were more efficient, perhaps the difference in cost would be well spent. The cost of wire for wire recording is prohibitive, being about five dollars per hour. Wire or tape may be wiped out and used again—but not for court records that must be preserved indefinitely. Discs or films are perhaps the most economical, at a cost of about twenty-four cents per hour. There is no saving in salary, as an operator must be in attendance at all times, and must prepare transcripts from the record in any event, as does the shorthand reporter.

The only people who seem to be concerned about the efficiency of reporting in our courts are the manufacturers of recording equipment. I have never heard a good lawyer complain about the accuracy of the record of an efficient reporter or the prompt service afforded. In fact, the way most lawyers step into a court room and start blasting away, I am convinced that they have the utmost faith in the ability and efficiency of the reporter—that it would not be possible to have more faith in any piece of mechanism. Surely they pay us no heed, they

make no effort to speak directly toward us, to avoid interrupting another speaker, or to refrain from talking as they walk away from us, or even to stop at the sound of an outside whistle or other extraneous noise. Surely the legal profession has faith in the shorthand reporter and is not worried about the efficiency of the record that has proven itself for a hundred years.

For all these years reporters have shattered their weary nerves in an effort to keep as nearly perfect a record as is humanly possible. If there were an easier way to do an equally efficient or better job, I am sure they would be the first to recognize and adopt it. However, they are jealous of their reputation for efficiency and will accept nothing short of an accurate and efficient record. Until the inefficiencies in present-day recordings are overcome they will continue to do their job "the hard way." In the meantime the legal profession may be assured that these conscientious guardians of the record are watching for any system that will safely produce a more accurate record, if and when that can be done.

State Bar Integration Data and Citations

State	*Year of Integration*	*Basis of Integration*	*Citations*
Alabama	1923	Statute	Code, 1940, Title 46, Secs. 21-62
Arizona	1933	Statute	Ann. Code, 1939, Secs. 32-301 to 32-353
Arkansas	1938	Const. amendment and court rule	Amendment No. 28 (Court rule not published)
California	1927	Statute	Deering's Code, 1944, Secs. 6000-6154 (Business and Professions Code)
Florida	1949	Court rule	Supreme court opinion, June 7, 1949.
Idaho	1923	Statute	Ann. Code, 1947, Vol. 2, Title 3, Chaps. 1 to 4, Secs. 3-101 to 3-420
Kentucky	1934	Statute and court rule	Rev. Statutes, 1948, Title IV, Chap. 30, Secs. 30.010 to 30.990 (Sec. 30.170—Ct. rules to govern State Bar); Carroll's Ky. Codes, Russell's Revision, 1948, Chap. XII of Appendix, Rules 3.010 to 3.600.
Louisiana	1940	Statute and court rule	Ann. Statutes, 1947 (Pocket Supplement), Title 6, Chap. 2, Secs. 449.48 to 449.53; 195 La. xiv to xlvii (1940)
Michigan	1935	Statute and court rule	Compiled Statutes, 1948, Chap. 691, Judicature Act (Supplemental Chap.), Sections 691.51-691.52; 273 Mich. xxxv to xlv (1935)
Mississippi	1930	Statute	Ann. Code, 1942, Title 32, Chap. 2, Div. 2, Secs. 8685 to 8724
Missouri	1944	Court rule	352 Missouri xxxi to xxxvi (1944)
Nebraska	1937	Court decision	*In re Integration of Nebraska State Bar*, 133 Neb. 283, 275 N.W. 265, 114 A.L.R. 151 (1937)
Nevada	1929	Statute	Compiled Laws, 1929, Secs. 540-590, Amended: Compiled Laws Supplement, 1942, State Bar Act, Secs. 540 to 588
New Mexico	1925	Statute	Ann. Statutes, 1941, Chap. 18, Secs. 18-101 to 18-127
North Carolina	1933	Statute	Statutes 1943, Chap. 84, Art. 4, Secs. 84-15 to 84-37
North Dakota	1921	Statute	Rev. Code, 1943, Title 27, Chap. 27-12, Secs. 27-1201 to 27-1207 (Refers to Statutes of 1921 as source)

State	Year of Integration	Basis of Integration	Citations
Oklahoma	1939	Court decision	*In re Integration of State Bar of Oklahoma*, 185 Okla. 505, 95 S.W. (2d) 113 (1939)
Oregon	1935	Statute	Ann. Compiled Laws, 1939, Title 47, Chap. 2, Secs. 47-201 to 47-226
Puerto Rico	1932	Statute	Laws 1932, Act No. 43, p. 522
South Dakota	1931	Statute	Code, 1939, Title 32, Chap. 32.11, Secs. 32.1113 to 32.1124 (Refers to Statutes of 1931 as Source)
Texas	1939	Statute and court rule	Vernon's Civil Statutes Ann. 1947, Title 14, Art. 320a, Sections 1 to 7 (Court rule, Feb. 22, 1940, booklet)
Utah	1931	Statute	Ann. Code, 1943, Title 6, Secs. 6-0-1 to 6-0-25
Virginia	1938	Statute and court rule	Ann. Code, 1942, Title 28, Chap. 133, Secs. 3430a to 3430c; 171 Va. xvii to lvii (1938)
Washington	1933	Statute	Remington's Rev. Statutes 1940 (Ann. Pocket Part for Vol. 2), Title 1, Chap. 10-a, Secs. 138-1 to 138-17
West Virginia	1945	Statute and court rule	1947 Supp. to West Va. Code of 1943, Ann., Chap. 51, Sec. 5183 (1); 128 West Va. liii to lxiii (1947)
Wyoming	1939	Statute and court rule	Compiled Statutes Ann. 1945, Chap. 2, Arts. 4 and 5, Secs. 2-401 to 2-511 (Court rule not published)

Florida Bar Is Integrated by Supreme Court Rule

Addition of Florida to the foregoing list was made possible by the decision of the Supreme Court of Florida on June 7, 1949, granting the petition of the Florida State Bar Association for integration by rule of court of the bar of that state. Justice Glenn Terrell wrote the majority opinion, from which Justice Paul D. Barns dissented.

"It is shown," the court declared, "that in states where the integrated bar has been tried, it has revealed none of the abuses lodged against it, but on the other hand it has restored public confidence in the bar, enlarged professional consciousness, energized the bar's responsibility to the public, has improved the administration of justice, and is the only means presented whereby every member of the bar can share in its public and professional responsibility."

"Integration will not relieve the bar of ethical enemies, crackpots and Communists," Justice Terrell's opinion added. "Certainly this class should be screened out, but the law school is the logical place to do it. Moral sensitiveness is a rebound from home discipline. A law to prohibit a man from making a fool of himself would be as effective as one to improve his morals."

The dissenting justice argued that the court had no power to compel a lawyer to become a member of such a "pseudo-organization" and that the membership fee of the integrated bar would be a tax, which courts are without power to levy. To this the majority replied:

"A membership fee in the bar association is an exaction for the regulation only, while the purpose of a tax is revenue. . . . If the judiciary has inherent power to regulate the bar, it follows that as an incident to regulation it may impose a membership fee for that purpose."

The supreme court decision climaxes a fourteen-year campaign of the Florida State Bar Association. In 1941 a bill in the form of an enabling act to authorize and permit the supreme court to integrate the bar was passed by the lower house of the Florida legislature, but lost out in the senate after a stormy debate. The campaign was renewed in 1946 when the Association passed a resolution to that end and approved a proposed set of rules for organization of the integrated bar, which were published in the *Florida Law Journal*. Thereafter

a poll of the entire Florida bar was conducted by the Association, resulting in 1,131 favorable ballots and 500 opposed. There are about 3,000 lawyers in Florida, and the returns of approximately 60 per cent, unusual for any kind of mail poll, attested their interest.

In 1948 the Association's Committee on Integration, headed by James D. Bruton, Jr., of Plant City, filed a petition with the Supreme Court requesting integration of the bar by rule of court under the court's inherent power to regulate the bar. This petition was argued on January 18, and the Court's favorable decision was handed down this month.

Florida increases the list of integrated states to 25, including Arkansas, which has a limited form of integration for disciplinary purposes only. The Bar Association of Arkansas is endeavoring to secure full integration. The bar of Puerto Rico also is integrated. Other states in which interest is now or recently has been manifest include Colorado, Connecticut, Maryland, Massachusetts, Minnesota, Montana, New Jersey and Wisconsin.

The Reader's Viewpoint

Bills, Voters and Legislators

To the Editor:

Your editorial "Bills, Voters and Legislators" in the April JOURNAL is as keen an observation and as rare a bit of wisdom as I have seen in many a day. Congratulations!

JAMES M. DOUGLAS

Supreme Court of Missouri
Jefferson City, Missouri

To the Editor:

The leading editorial "Bills, Voters and Legislators" in the April issue of the JOURNAL leads one to sympathize with the Russian view of the democratic system as practiced in America. Apparently its author believes that legislation should be based upon noise and little else and that it is completely immaterial who makes the noise provided only that it be loud enough.

This is of course an extreme way of stating what the editorial said in smoother words, but the result is inescapable. Apparently legislators should not enact sound legislation even when they know it to be sound, unless *vox populi* rings out in its support. The trifling fact that by hypothesis such enactments would be beneficial to silent constituents means nothing. Keep one's ear to the ground and wait for the sound of the tramping feet of public opinion. Then legislate, no matter how bad that opinion may be. Such a procedure necessarily envisages the enactment of demonstrably faulty legislation, which the legislators themselves know to be faulty, but that is beside the point. The people have spoken.

All this would be bad enough if these supine registers of public clamor could really tell what the voices said. But can they? A flock of highly organized purveyors of Delphic interpretations not so long ago told us all about who would be president today. Remember? No doubt our legislators are more highly gifted.

It would be sad to read such matter anywhere. It is calamitous to find it in a journal which is supposed to voice the best thought of our profession.

WILLARD B. LUTHER

Boston, Mass.

Editor's Note: The editorial said, "It is not enough that a proposition be sound—it must be wanted by the people," and again, "it is not enough to convince the legislators themselves—we must convince their constituents as well and get them to say so." Our readers may decide whether or not that advocates the enactment of unsound legislation. We have never suggested that legislators should sway with every breeze of public opinion. They are elected to office on the basis of their known principles and convictions, and they are expected to live up to them. But they do not *know*, as Mr. Luther suggests, that certain legislation is sound and other legislation faulty, any more than their constituents do. They merely have an *opinion*, like everybody

else, which may be right or may be wrong. Their opinions are, or should be, subject to change at any time, and the purpose of legislative debate is to permit and facilitate such changes. In representative government there is an important place for the opinions of constituents in helping legislators make up their minds, and most legislators are genuinely glad to have them. The purpose of the editorial was to defend and applaud the practice of writing to congressmen and to urge the bar to make use of it in working for the enactment of bar-sponsored measures, and we reaffirm it here.

Provide Counsel Soon Enough

Mr. James V. Bennett:

I have read with a great deal of interest and sympathy your article "To Secure the Right to Counsel" in the April JOURNAL OF THE AMERICAN JUDICATURE SOCIETY. I agree fully with all that you have said, but it seems to me that even your proposal does not begin early enough. Before the prisoner reaches the hands of defense counsel or is arraigned, he has begun to form the crust which becomes almost impervious.

Too often we have seen the first offender tell a story told him by jailbirds with whom he was thrown in contact and who had rehearsed him in it until in spite of its falsity he was letter-perfect. We have now the matter of an eighteen-year-old charged with a minor offense of which we are satisfied he was not guilty, but who signed a confession and pleaded guilty on the strength of the promise of the twenty-two-year-old associate that he could get him clear. The boys "go off the deep end" because of fear and excitement and a total failure to understand the processes of criminal law.

It would be my recommendation that immediately following arrest and before being drilled for confessions or hammering by the prosecuting officers and the sheriffs and police groups, the arrested man should be taken before a member of the bar named by the court and who is experienced, broad in his sympathies and of such standing in the community as to gain the confidence of those brought before him, and who by acceptance of the appointment disqualifies himself from any connection with the criminal law. The conference between the prisoner and the representative should be made confidential and beyond the reach of any court. It should be the duty of the lawyer to outline to the prisoner the criminal proceedings, including conferences with police officers, rights of the prisoner, the advantages inherent in frankness and truth, the meaning of arraignment, the effect of a waiver of hearing, and, in fact, every stage in the proceeding briefly but clearly outlined so that the prisoner and particularly the first offender may be proof against the habitual jailbird suggestion, "You won't get to first base that way—you trust me, do what I tell you, and I'll get you out."

The first offender's approach to the law has him meeting society at its very worst. He is thrown into temptation, and is made physically and mentally uncomfortable. He is promised privileges which he never receives. He is surrounded by stool pigeons, and it is not surprising that when he is convicted by the use of traps which he did not understand and would doubtless have avoided if he had understood, he feels bitter.

My friends of the prosecution tell me that my idea is absurd, and that if that practice were followed they never would get a conviction. My feeling is just the reverse. I believe that confessions would be just as numerous, and I believe that in the long run society would be the gainer through the proposed broad, unbiased, intelligent leading and education of potential prison fodder.

ALLAN T. PRAY

Ashland, Wis.

From Mr. Bennett's Reply:

I agree with your viewpoint. The assignment of counsel after the prisoner has confessed or made inescapable deals with his co-defendants or the prosecuting authorities is pretty much of an empty gesture. As you indicated, what he needs is advice from the time of arrest. If you read the McNabb case carefully I think you will find that that is what the court had in mind in demanding that a prisoner be brought promptly before the committing magistrate. But I am not at all sure that this matter can be reached through this procedure or by requiring the committing magistrate to assign counsel at the time of arraignment. What is needed is broader education of the police and law enforcement agencies. They should somehow be made to realize that convictions are not the all-important question and that upholding the rights of every citizen is their first duty. Assigning a prison visitor or a representative of the public defender's office to the jail to confer with all persons awaiting trial might help solve the problem. Perhaps some day we will find a way of encouraging this sort of thing.

The Literature of Judicial Administration

BOOKS

Modern viewpoints are emphasized in two recent procedural works—*Clark on Code Pleading*,[1] and Hays, *Cases and Materials on Civil Procedure*.[2] The Clark text, a second edition of the 1928 Hornbook, should develop considerable support among future generations of lawyers for the movement to revise state procedure in conformity with the new federal pattern. The book is fully documented and is authoritative and scholarly. Professor Hays includes excellent treatments of such live subjects as pre-trial procedure, summary judgments, jury selection, majority verdicts and the printing of the record on appeal, as to all of which, along with many others, it is important that young lawyers be started out with an open-minded approach toward modern developments and proposed reforms.

It is convenient to bring to our readers' attention in a group five books on legal philosophy which have come in during recent months. Although not strictly within the field of judicial administration, they are the sort of background material which, included in the general reading of lawyers and judges, helps us to broaden our viewpoint and make us aware of the part played by our own daily work in the development and administration of the law as a whole.

Two of them, *Latin-American Legal Philosophy*[3] and *The Jurisprudence of Interests*,[4] are the second and third volumes respectively of the Twentieth Century Legal Philosophy Series sponsored by the Association of American Law Schools and intended, according to the statement of the A. A. L. S. editorial committee, "to represent as nearly as possible the progress of Continental legal thought in all aspects of philosophy and jurisprudence in the last fifty years." First in current interest, perhaps, as a result of the recent Inter-American Bar Association conference in Detroit, is *Latin-American Legal Philosophy*, consisting of English translations of treatises, monographs and essays on *Human Life, Society and Law* by Professor Luis Recaséns Siches of Mexico, "Phenomenology of the Decision," by Professor Carlos Cossio of Argentina, *Eidetics and Aporetics of the Law* by Professor Juan Llambías de Azevedo, and "The Philosophical-Juridical Problem of the Validity of Law" by Professor Eduardo García Máynez of Mexico. *The Jurisprudence of Interests* is a similar symposium of translations from the German writings of Max Rümelin. Philipp Heck, Paul Oertmann, Heinrich Stoll, Julius Binder and Hermann Isay.

A third foreign approach is found in *Towards a Realistic Jurisprudence, a Criticism of the Dualism in Law*,[5] by Professor Alf Ross of the University of Copenhagen, Denmark, which describes itself as a post-war attempt to re-establish the connection between Scandinavian and Anglo-American legal philosophy. The fourth volume of the group is strictly American—*The American Philosophy of Law*[6] by LeBuffe and Hayes, being a revised and enlarged fourth edition of the treatise formerly entitled merely *Jurisprudence*. The last and most recent is *Legal Philosophy from Plato to Hegel*[7] by Huntington Cairns, just off the press. Other authorities quoted besides the two in the title are Aristotle, Cicero, Aquinas, Francis Bacon, Hobbes, Spinoza, Leibnitz, Locke, Hume, Kant and Fichte, each speaking in his own words so far as possible, and averaging forty to fifty pages of text.

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2. Paul R. Hays, *Cases and Materials on Civil Procedure*. University Casebook Series. Brooklyn: Foundation Press, Inc., 1947. Buckram, pp. xiii and 1067.

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